

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**ATTORNEY'S DOCKET NUMBER  
3009094 US01U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
Unknown

10/593352

INTERNATIONAL APPLICATION NO.  
PCT/US2004/011575INTERNATIONAL FILING DATE  
April 15, 2004PRIORITY DATE CLAIMED  
April 15, 2003

TITLE OF INVENTION IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS CONTAINING PEPTIDES AS PRESERVATIVE

APPLICANT(S) FOR DO/EO/US Francis X. Smith and Kathryn S. Crawford

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
  3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
  4. ☒ The US has been elected (Article 31).
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
    - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
    - b. ☐ has been communicated by the International Bureau.
    - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
    - a. ☐ is attached hereto.
    - b. ☒ has been previously submitted under 35 U.S.C. 154(d)(4).
  7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
    - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
    - b. ☐ have been communicated by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☒ have not been made and will not be made.
  8. ☒ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11 to 20 below concern document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☐ A preliminary amendment.
  14. ☒ An Application Data Sheet under 37 CFR 1.76.
  15. ☐ A substitute specification.
  16. ☐ A power of attorney and/or change of address letter.
  17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
  18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
  19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IAP9/Rec'd PCT/PTO 19 SEP 2006

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/593652</b> Unknown	INTERNATIONAL APPLICATION NO. PCT/US2004/011575	ATTORNEY'S DOCKET NUMBER 3009094 US01
20. Other items or information:		
The following fees are submitted:		<b>CALCULATIONS</b> <b>PTO USE ONLY</b>
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....\$300		\$ \$300.00
22. <input checked="" type="checkbox"/> Examination Fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations .....\$200		\$ 200.00
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....\$100 International Search Report prepared by an ISA other than the US and provided in the Office or previously communicated to the US by the IB.....\$400 All other situations .....\$500		\$ 500.00
<b>TOTAL OF 21, 22 and 23 =</b>		<b>\$ \$1000.00</b>
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821 (c) or (e) computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
15 - 100 =	0/50 =	0
		x \$250
		\$ 0
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$ 0
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	7 - 20 =	0
Independent claims	1 - 3 =	0
		x \$200
		\$ 0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
		\$ 0
<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$ 1000</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$ 0
<b>SUBTOTAL =</b>		<b>\$ 1,000.00</b>
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$ 0
<b>TOTAL NATIONAL FEE =</b>		<b>\$ 1,000.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$
<b>TOTAL FEES ENCLOSED =</b>		<b>\$ 1,000.00</b>
		Amount to be refunded:
		\$
		Amount to be charged:
		\$

10/593352

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Rev. 07-2005)  
AB 0651-0021

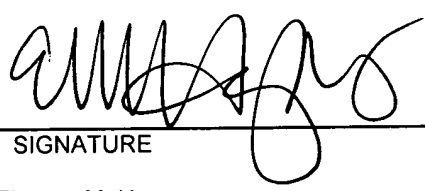
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-3010 in the amount of \$ 1,000.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment of Deposit Account No. 50-3010 . A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charge to a credit card. **WARNING** : Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.37(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Eleanor M. Hynes, Esq.  
Hiscock & Barclay, LLP  
2000 HSBC Plaza  
Rochester, NY 14604-2404



SIGNATURE

Eleanor M. Hynes

NAME

58,013

REGISTRATION NUMBER

10/593352  
IAP9/Rec'd PCT/PTO 19 SEP 2006ELEANOR M. HYNES  
ASSOCIATE2000 HSBC PLAZA  
ROCHESTER / NEW YORK 14604-2404  
T 585.325.7570 / F 585.325.5458DIRECT DIAL 585.295.4493  
DIRECT FAX 585.295.8452  
EHYNES@HISCOCKBARCLAY.COM  
ALSO ADMITTED IN: NEW JERSEY and  
REGISTERED PATENT ATTORNEY

September 19, 2006

**Via Express Mail EQ 415994321 US**Attention PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

International Application No.	PCT/US2004/011575
International Filing Date	April 15, 2004
Priority Date Claimed	April 15, 2003
Applicant	Francis X. Smith, et al.
U.S. Application No.	Unknown
Attorney Docket Number	3009094 US01
Invention:	IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS CONTAINING PEPTIDES AS PRESERVATIVE

Applicant herewith submits to the United States Designated/Elected Office the following items and other information under 35 U.S.C. 371:

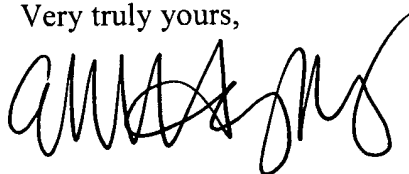
- Petition for the Revival of an International Application for patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) **(2 Pages)**;
- Transmittal Form Concerning A Submission Under 35 U.S.C. 371 Utility Application Cover Sheet **(3 Pages)**;
- Substitute Specification and Claims **(15 Pages)**;
- Application Data Sheet **(2 Pages)**;
- Declaration and Power of Attorney **(4 Pages)**;
- Acknowledgment Postcard.

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The Commissioner is hereby authorized to charge the amount of \$2,500.00 (\$1,500.00 Petition for Revival of an International Application for patent Designating the U.S. Abandoned Unintentionally, \$300.00 Basic National fee, \$200.00 Examination Fee, and \$500.00 Search Fee). The Commissioner is hereby further authorized to charge any deficiencies or credit any excess payments to our Deposit Account No. 50-3010.

Please date stamp and return the attached postcard to indicate your receipt of the application and direct all correspondence in connection with the application to the undersigned at the address noted above.

Very truly yours,



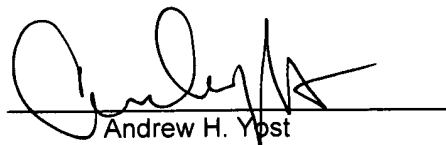
Eleanor M. Hynes  
Reg. No.: 58,013

EMH:ahy  
Enclosures

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
**(37 CFR 1.10)**

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope address to Attention PCT Legal Staff, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 19, 2006.

- Transmittal Letter (2 Pages);
- Transmittal Form Concerning A Submission Under 35 U.S.C. 371 Utility Application Cover Sheet (3 Pages);
- Petition for the Revival of an International Application for patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (2 Pages);
- Substitute Specification and Claims (15 Pages);
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- Acknowledgment Postcard.

  
Andrew H. Yost